

REMARKS

The present claim amendments are responsive to the Examiner's concerns noted in the Office Action.

Error in Title in Patent Office Record

On the outset, Applicant notes that the Patent Office record includes a typographical error in the title. Specifically, the first occurrence of "transistor" has been misspelled as "trnsistor". Appropriate correction of the Patent Office record is respectfully requested.

Summary of the Response

Claims 2, 5-8, and 11-13 have been canceled. Claims 1 and 9 have been amended. New Claims 14-26 have been added. Claims 1, 3, 4, 9, 10, and 14-26 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Applicant notes that in the response to the earlier Restriction Requirement, Applicant inadvertently labeled the previously pending claims as "original". All the previously pending claims should have been labeled as "previously presented", since all of them have been once amended by way of a preliminary amendment filed concurrently with the present application. Applicant corrected the mislabeled claims in the present response.

Claim Rejections Under 35 USC 112

Claim 13 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 has been canceled.

Claim Rejections Under 35 USC 102(b)

Claims 1-4 and 11 are rejected under 35 USC 102(b) as being anticipated by Yoshikawa (U.S. Patent No. 4,925,807). This rejection is respectfully traversed.

Applicant submits that at least the subject matter of previously presented claim 2 should be patentable over Yoshikawa. Claim 2 recites that the first and second spacers are conductive. The first and second conductive spacers are respectively between the gate and the respective first and second insulating spacers. Claim 2 has been canceled, and claim 1 has been amended to incorporate the limitations of claim 2. Specifically, claim 1 as amended now recites a conductive gate; a first conductive spacer and a second conductive spacer adjacent to the first side and second side of the conductive gate respectively; a first insulating spacer adjacent to a side of the first conductive spacer opposite the first side of the conductive gate; and a second insulating spacer adjacent to a side of the second conductive spacer opposite the second side of the conductive gate. Yoshikawa does not disclose a conductive spacer between the gate and a insulating spacer. In contrast, Yoshikawa discloses the reverse, i.e., an insulating structure 24 between the gate 23 and the conductive structure 25.

Claim 1 is therefore not anticipated by and is patentable over Yoshikawa. It follows that all the claims dependent from claim 1 are likewise not anticipated and are patentable over

Yoshikawa. The dependent claims further recited limitations that further distinguish from Yoshikawa.

In the event the Examiner maintains the rejection of claim 1 on a new ground of rejection in the next action, such action should not be made final, since such new ground would not be necessitated by the present amendment to claim 1, which only included the subject matter of previously presented (now canceled) claim 1.

Claim Rejections Under 35 USC 103

Claims 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Yoshikawa.

Given the traversal of base claim 1, the rejection of claims 9 and 10 are moot. Claims 9 and 10 are patentable over Yoshikawa for at least the same reasons for base claim 1.

New Claims

New claims 14 – 26 have been added to round out the coverage of the present invention. Applicant respectfully submits that these new claims are patentable over Yoshikawa for at least the same reasons presented above.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned**

representative to discuss any outstanding issues that may not have been adequately addressed in this response.

Respectfully submitted,

Dated: January 26, 2007



Wen Liu
Registration No. 32,822

LIU & LIU
444 S. Flower Street; Suite 1750
Los Angeles, California 90071
Telephone: (213) 830-5743
Facsimile: (213) 830-5741
Email: wliu@liulaw.com